Civil Contempt No. 86 of 2004

Hon. P.C. Pant, J.

Heard learned counsel for the petitioner and learned counsel for the respondent and perused the affidavit, counter affidavit and rejoinder affidavit.

In para-10 and 11 of the counter affidavit, it is stated that the court's order has been complied with. It is clear that the order dated 26.06.2003 passed in writ petition No. 6991 of 2001 (S/S), the direction in said order was to reinstate the petitioner. From the counter affidavit, it appears that the petitioner has been reinstated in the service.

In the rejoinder affidavit, the petitioner has alleged that he has not been paid the annual increments and has not bee promoted. These are the new causes of action to the petitioner for which this Court cannot direct the respondent in this contempt proceedings. This Court has to look into the fact whether or not the disobedience has been committed by the respondent of the order complained by the petitioner. It is not denied that the petitioner has been reinstated in the service. As such, there is no wilfull disobedience of the order complained by the petitioner.

In the circumstances, the contempt petition is dismissed and notices are discharged.

(**P.C. Pant, J.)**

Dt. 10.02.2006
Sweta